



## Benjamin Casey

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Benjamin Casey has a busy common law practice, representing both claimants and defendants.

Ben has particular expertise in the field of high value catastrophic personal injury and fatal accident claims. His clients include major national firms acting on behalf of both claimants and defendants. He has extensive experience of severe spinal cord and brain injury work as well as high value fatal accident claims. His personal injury work includes road traffic, employer's liability, public liability and industrial disease claims.

Ben also has wide ranging experience of Coroner's Inquests. He has a particular expertise in inquests arising out of deaths in private prisons and detention centres. He regularly acts in inquests into deaths which have occurred in other circumstances including those following medical procedures/treatment and those which occurred as a result of road traffic accidents and workplace accidents.

He has considerable experience of a variety of costs related disputes and has often appeared in the SCCO.

Ben's practice also includes complex, high value clinical negligence work, motor accident fraud work, CICA appeals, general insurance work and credit hire.

## Expertise

### Personal Injury

Ben acts for both claimants and defendants in all areas of personal injury work. He has particular expertise in high value catastrophic injury and fatal accident claims.

His professional clients include major national firms acting on behalf of both claimants and defendants. He is regularly instructed in seven figure claims involving paraplegia/tetraplegia, severe brain or head injuries, limb amputation cases and cases involving severe orthopaedic injuries resulting in significant permanent disability. He is also regularly instructed in cases concerning chronic pain conditions where causation of injury is very much in issue.

Ben's fatal accident cases often begin with him acting on behalf of clients at inquests. He has considerable



experience of fatal accident claims involving cyclists. He enjoys working as part of a team. In high value cases he is often involved from an early stage where his in-depth analysis and eye for detail are appreciated by his clients.

## **Notable Personal Injury cases**

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### L v R (2022)

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The claim arose out of a road traffic accident which occurred when another car crossed the central lines into the claimant's side of the road and collided with C's car head on.

C suffered significant injuries including fractures to the spine, knee, wrist and foot, as well as nerve injuries to the right leg.

Liability was admitted, but there were allegations of exaggeration of injuries and a significant dispute as to the extent of C's ongoing symptoms based to the surveillance evidence obtained.

There were difficult issues around the impact on C's career and future earnings, the extent of care required and the suitability of current accommodation. There were also disputes on transport, aids and equipment, and the additional cost of holidays.

The claim settled at a Joint Settlement Meeting on 10th November 2022.

Ben was instructed by Sabrina Lawlor of Slater and Gordon Solicitors

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### M v K (2022)

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Ben secured a settlement of £1,000,000 on a provisional damages basis on behalf of a young claimant who was knocked off his motorcycle.

C suffered several fractures in his left leg, an elbow fracture, and a catastrophic nerve injury which caused a profound left foot drop.

Liability was admitted, but there were significant disputes as to the further treatment needed and the extent of the risk of amputation in the future. There were disputes over C's future earnings capacity and difficult issues around ongoing care and what C's accommodation needs would be in the longer term. There were also notable disputes on the need for case management and rehabilitation, orthotics and footwear required and other aids and equipment.

The claim settled at a Joint Settlement Meeting on 19th October. The settlement was on a provisional damages basis permitting C to return to court to seek a further sum by way of damages in the event that he requires a below knee amputation.

Ben was instructed by Sean Darney of Scooters and Bikes Legal.

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### W v L (2022)

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Ben acted on behalf of a young claimant who was rendered tetraplegic in the course of a road traffic accident.

The claimant, who was 17 at the time, was being driven by an acquaintance who had passed his test the day before. In the course of the journey, the defendant driver lost control of the vehicle resulting in it striking the kerb and rolling. Primary liability was admitted but there were allegations of contributory negligence concerning (a) the claimant's alleged knowledge that the driver was not fit to drive on account of alcohol consumption and (b) the claimant's failure to wear a seatbelt.



Following the accident, the claimant spent around 2 years and 8 months in hospital and then in various rehabilitation centres. This required him to endure lengthy COVID lockdowns where he was unable to receive any visitors. The claim involved significant disputes on life expectancy, the appropriate future care regime and on the proposed adaptations to the claimant's chosen property. There were also disputes on future treatment, aids and equipment and the additional cost of holidays.

Whilst the issue of contributory negligence was not separately negotiated, the settlement is considered to represent a gross figure in excess of £20m.

The claim settled at a Joint Settlement Meeting against leading counsel on 8th September.

Ben was led by Simon Browne QC and was instructed by Patrick Maguire and Joseph Dodman of HCC Solicitors.

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#### D v C (2022)

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Ben secured a settlement of £7 million on behalf of a claimant motorcyclist who was rendered paraplegic in a road traffic accident. The accident was caused when the defendant performed an emergency stop in the fast lane of the M4 having missed his exit. The claim involved numerous issues including career projections in the absence of the accident, life expectancy, the appropriate care package going forward and disputes over suitable accommodation. Contributory negligence also remained in issue. The case settled at a Round Table Meeting with the defendant represented by leading counsel.

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#### ABC v Khan (2021)

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Ben Casey acted for a young girl who sustained severe head injuries when she was struck by the wing mirror of a speeding minibus as she stepped off the kerb. Liability was disputed throughout and capacity was in issue. Complex evidence was required as to future care needs and as to the extent that the injuries would have been lessened at a lower, non-negligent speed. The High Court approved a settlement of £1.85m in October 2021.

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#### T-C v W (2021)

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Ben acted for the widow of moped rider who was knocked from his bike by an HGV in London. The claimant and the deceased had two young children. Liability was initially in issue but was subsequently admitted. The Court approved a settlement sum of £600,000 in September 2021.

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#### J v ATL Haulage (2021)

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Ben acted for the claimant in this fatal accident claim in which the deceased was run over on the hard shoulder of the M25 by a lorry which was undertaking his stricken vehicle. Liability was denied and contributory negligence was alleged in the alternative. There were also significant issues concerning pre-accident medical conditions and career prospects in the absence of the accident. The claim settled for £550,000 at a JSM against leading counsel in July 2021. The settlement was approved by the High Court in September 2021.



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### C v B (2021)

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Ben Casey acted on behalf of a man who sustained catastrophic head injuries when struck by a vehicle whilst crossing the road. The 58 year old claimant was left with severe brain damage. Liability remained firmly in issue and significant contributory negligence was alleged in the alternative. A settlement of £380,000 was approved by the High Court.

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### Webb v Thomas (2021)

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Ben acted on behalf of the defendant in this claim concerning fibromyalgia which was alleged to have been caused by the accident. The claim involved multiple expert evidence on both sides and extensive surveillance evidence. The claimant's schedule was initially pleaded at well in excess of £1m. The matter subsequently settled at a JSM for £80,000.

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### L v S (2020)

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Ben achieved a net settlement of £3.5m on behalf of a claimant who was rendered tetraplegic when he walked out in front of a car with the red pedestrian light against him (led by Simon Browne QC). Primary liability, causation and contributory negligence remained in issue as did the extent of the required future care package in the face of existing statutory funding. Other key matters in issue included life expectancy, a lost years pension claim and the cost of purchasing and adapting suitable accommodation.

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### B v EMC (2020)

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Ben Casey recovered a lump sum of £11m on behalf of a young woman who had been rendered tetraplegic in a road traffic accident. The claimant, who has two young children, will require lifelong round-the-clock care as a result of her injuries. The claim involved complex issues on care, accommodation and life expectancy and required consideration of loss of earnings from the claimant's nascent business.

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### M v V (2020)

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This claim arose out of an accident at work which led to a below knee amputation. Both liability and contributory negligence were in issue and there were significant disputes on future loss of earnings, prosthetics, care and on the cost of appropriate accommodation. The claim settled for a sum of £1.1m at a JSM. The full liability value of the settlement was in the region of £1.6m.

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### A v A (2020)

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Instructed on behalf of young claimant who sustained a severe leg injury following a motorcycle accident. The claimant had limited educational achievements and a sporadic pre-accident work history. A key issue involved how to approach his future loss of earnings against that background. Further issues between the



parties concerned the appropriate type and amount of therapeutic and surgical interventions, aids and equipment and care and assistance. The claim settled for just under £800,000 at a JSM against leading counsel.

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Z v W (2020)

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Ben acted on behalf of the defendant in this high-profile fatal accident claim which arose out of an accident at Bank Junction between an HGV and a cyclist. Liability was initially in issue and contributory negligence was alleged in the alternative. The claim involved complex issues of career projection in the absence of the accident. The claim settled for around £1.8m at a JSM.

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W v FBFL (2020)

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Ben acted on behalf of the claimant who suffered debilitating psychological injuries as a result of a road traffic accident which had a severe impact on the latter stages of his career. The claim settled for just over £350,000 at a JSM.

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P v C (2019)

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Ben was instructed on behalf of the claimant in a claim arising out of a road traffic accident when a drunk driver lost control of her vehicle and struck her, crushing her against her front door. The claimant suffered severe pelvic and spinal injuries in the accident. The claim settled for around £1.3m at a JSM.

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A v R (2019)

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Ben acted on behalf of the claimant widow in this fatal accident claim. The claimant and the deceased had two very young children. The claim settled for a sum of £450,000 with the settlement subsequently being approved by the High Court.

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B v A

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In this below knee amputation case, the claimant suffered a serious injury to his ankle whilst riding his motorcycle and ultimately underwent a below knee amputation followed by revision surgery thereafter. The case involved significant disputes on the multiplier, life expectancy and the extent of prosthetics provision. It settled for £1.35m on a full liability basis at a JSM.

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Erdogan v Sports Direct

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Ben was instructed on behalf of the defendant in this chronic pain case where the Claimant alleged significant levels of disability since the accident. The Claimant accepted a 16 month old Part 36 offer following the service of surveillance evidence.



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## G v Harmsworth Quays

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Ben acted on behalf of the defendant in a claim arising out of an accident at a printing press. The claim was pleaded at over £800,000 and involved issues of chronic pain and surveillance evidence. The claim eventually settled for less than a quarter of its pleaded value.

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## Inquests

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Ben has wide ranging experience in Coroner's Inquests. He has a particular expertise in inquests arising out of deaths in private prisons and detention centres. He has represented the corporations which run those institutions on a regular basis. These Article 2 inquests have arisen from deaths which have occurred in various circumstances including suicides, cell-mate killings and deaths as a result of substance misuse. They frequently involve consideration of systemic issues. Ben also frequently acts in inquests arising out of deaths which have occurred in other circumstances including those following medical procedures or treatment, road traffic accidents and workplace accidents.

### Notable Inquests cases

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Re: Smith (2021)

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Ben was instructed on behalf of NHS Wales in an inquest into the death of a woman following a routine hip replacement operation.

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Re: Gardiner (2019)

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Ben acted for the family of Catherine Gardiner who was the driver of a Minibus which had unexpectedly slowed to an abrupt halt on the M4 and which was then struck from behind by an HGV resulting in the deaths of three persons and serious injuries to others. The Senior Coroner for Berkshire made a report for the Prevention of Further Deaths to Highways England owing to the fact that access to the hard shoulder was prevented by the presence of a solid barrier.

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Re: C (2018)

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Instructed on behalf of a private prison in this inquest into the death of a prisoner from complications arising from substance misuse. The inquest examined the policies and procedures relating to the healthcare system at the prison in detail.

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Re: M (2018)

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Ben acted on behalf of a private prison at this inquest into a death by suicide. The inquest involved detailed consideration of the segregation regime and the healthcare and ACCT procedures in place at the time.

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Re: B (2018)

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Instructed on behalf of Local Authority Social Services department in an inquest arising out of the death of a vulnerable individual whose care package had been inadvertently cancelled.

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Re: O (2017)

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Ben was instructed on behalf of private prison in an inquest arising out of a cell mate killing. The inquest focussed on the Cell Sharing Risk Assessment Process and the use of the illicit substance Spice within the prison.

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Re: Warren & Ors (2016)

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Ben acted for the families of two of the deceased at an inquest arising out of a tragic car accident on the way back from a festival.

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## Clinical Negligence

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Ben is regularly instructed in clinical negligence disputes arising in a number of different circumstances. Those circumstances include cases of alleged delayed diagnosis or misdiagnosis, negligent surgery or medical treatment, negligent cosmetic surgery and dental negligence. The claims include those resulting in death or significant ongoing disability and are often factually complex and involve difficult issues on expert evidence / causation. Ben is often involved in such cases from an early stage, where he plays a key role in providing tactical advice and advice on the expert evidence. He enjoys working as part of a team and will often remain involved as the cases progress towards resolution.

### Notable Clinical Negligence cases

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C v East Kent Hospitals University NHS Foundation Trust

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Ben is instructed on behalf of the family of the deceased following a delayed diagnosis of cardiac sarcoidosis. The deceased tragically passed away following recent heart transplant surgery. Breach of duty is admitted but aspects of causation and quantum remain in issue.

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T v North Middlesex University Hospitals NHS Trust

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Ben was instructed on behalf of a man who alleged negligent administration of chemotherapy treatment with associated long-term injuries.

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S v C



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Acted on behalf of a man whose common bile duct was inadvertently transected during a routine cholecystectomy.

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A-Z v Kings College Hospital NHS Foundation Trust

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Ben acted for the claimant who alleged that she had developed a DVT and associated complications as a result of treatment received during childbirth.

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L v Harley Street Plastic Surgery Limited

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Ben acted on behalf of the claimant in a claim arising out of an allegedly negligent breast augmentation.

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## Education

- BVC, Inns of Court School of Law
- CPE, City University
- BA (Politics, Philosophy & Economics), University of York

## Memberships

- Personal Injuries Bar Association

## Recommendations

- "His expertise and legal knowledge produce fantastic results for clients." **Chambers & Partners 2022**
- "A team player, responsive and good to work with." **Chambers & Partners 2022**
- "He is very pragmatic. Clients really do like him." **Chambers & Partners 2022**
- "Absolutely a safe pair of hands." **Chambers & Partners 2022**
- "Thorough, thoughtful and measured in his advocacy" with an "acute understanding of the nuances of a case." **Chambers & Partners 2021**
- "He is great with clients, very tactically sound and has excellent attention to detail." **Chambers & Partners 2021**
- "A rising star at the PI Bar with excellent judgment" and "great attention to detail." **Legal 500**
- "Approachable, and a good communicator." **Legal 500**